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US DISTRICT COURT E.D.N.Y.

★ DEC 05 2017 ★

BROOKLYN OFFICE

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

----- x
UNITED STATES OF AMERICA,

- against -

MEMORANDUM & ORDER

15 CR 204 - 01 & 03 (RJD)

ANGELO GIGLIOTTI AND
GREGORIO GIGLIOTTI,

Defendant.
----- x

DEARIE, District Judge

The court addresses the lingering issue of forfeiture with respect to defendants Gregorio and Angelo Gigliotti. The trial evidence clearly established that the defendant Gregorio Gigliotti was the main mover and principal decision-maker for the conspiracy and he exercised primary control over the participants. The court has no reservation in ordering forfeiture in Gregorio's case in the full amount of \$1,652,000.


The calculation with respect to Angelo Gigliotti is not as easily determined. Following the guidance of Honeycutt v. United States, 137 S. Ct. 1626 (2017), I note that the trial evidence does not permit a straightforward determination of the appropriate amount of forfeiture to order in Angelo's case. While there was some evidence, direct and circumstantial, that Angelo enjoyed a portion of the proceeds of the criminal conspiracy, I am unable to accept that government's assertion that Angelo "obtained" the full amount of the illicit proceeds. The evidence at trial strongly suggests otherwise. Appreciating that "mathematical exactitude" is not possible, U.S. v. Roberts, 660 F.3d 149, 166 (2d Cir. 2011), I will exercise my judgement and discretion and order

forfeiture in the amount of \$500,000 for the defendant Angelo Gigliotti. The Clerk is directed to prepare and file Amended Judgements in accordance with the foregoing.

SO ORDERED.

Dated: Brooklyn, New York
December 14, 2017

s/ RJD


RAYMOND J. DEARIE
United States District Judge